IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Crl.Rev.Pet.No. 255 of 2000()

C.C.NO.384/1994 OF THE JFCM-I, THRISSUR
CRL.A.NO.28/1998 OF SESSIONS COURT, THRISSUR

REVN. PETITIONER/APPELLANT/ACCUSED

SUKUMARAN, S/O.KOVILNADA VEETTIL PONNAPPAN,
ULLOOR VILLAGE, P.O. THIRUVANANTHAPURAM.

BY ADV. SRI.P.K.ASHOKAN

RESPONDENTS/RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.1571/2000 IN CRL.R.P.NO.255/2000

DISMISSED

SD/-K.R.UDAYABHANU, JUDGE

10/09/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.255 of 2000

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Dated this the 10th day of September, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 324 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for two months and to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for three months.

2. The prosecution case is that on 29/09/1991, at about 5.30 p.m., at Cherukunnu, the accused voluntarily caused hurt to PW.1 by stabbing with a knife.

3. The evidence adduced in the matter consisted of the testimony of PWs.1 to 5, Exts.P1 to P6 and MOs.1 to 4. Defence got examined DW1 and Ext.D1 was marked. Apart from PW.1, PWs.2 and 4 supported the prosecution case. Both of them are occurrence witnesses. The version of PW.1 is that while he was returning from the shop, the accused followed him and attacked him with the knife. He cried aloud and people gathered. PWs.2 and 4 were also present. There were bleeding injuries. The accused was also carrying apart

from knife a karippidi, a wooden implement, which is marked as MO.2. The blood stained shirt is marked as MO.3. There was enmity on account of the demand made by PW.1 for returning of the amounts borrowed by the accused. The same was the motive. PWs.2 and 4 have fully supported the version of PW.1. Nothing has been brought out in the cross-examination of PWs.1 to 3 to disbelieve their version. No contradictions or omissions with respect to the previous statements were also brought out. PW.8, the doctor who has examined PW.1 as an inpatient and issued Ext.P6 wound certificate has noted an injury on the left side of the chest, 1.5 c.m long, and the injury penetrating into the left side of the chest. The alleged cause of injury in Ext.P6 tallies with the prosecution version. In support of the defence verison, DW.1, the doctor was examined and Ext.D1, the wound certificate of the accused was marked. The injuries noted were only abrasions on the left eyebrow and left fore-arm.

4. In the light of the above evidence, I find that no interference is called for in the concurrent findings of the court below. Considering the nature of the alleged injuries sustained by the accused, that is only abrasions, the same is hardly sufficient to discard the version of the prosecution. The conviction is confirmed.

5. The counsel for the revision petitioner has pleaded for leniency pointing out that about 17 years have elapsed since the commencement of the proceedings and that at this point of time, the accused may not be ordered to be imprisoned.

In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay compensation of rupees fifteen thousand to PW.1 and in default to undergo simple imprisonment for three months. It is submitted that Rs.5000/- fine amount has already been remitted. The accused is permitted to withdraw the above amount. The accused is granted three months time to remit the amount of compensation. He shall appear before the Judicial Magistrate of the First Class-I, Thrissur, on 05/12/2007 to receive the sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.255 of 2000

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O R D E R

10th September, 2007